

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CLARENCE H. BROWN,

Defendant/Petitioner,

v.

Case No. 05-80101

UNITED STATES OF AMERICA,

Honorable Arthur J. Tarnow

Senior United States District Judge

Plaintiff/Respondent.

**ORDER DENYING PETITIONER'S
MOTION TO ALTER OR AMEND [122]**

Before the Court is Petitioner's Motion to Alter or Amend [122] which was filed on December 21, 2010. Petitioner brings this motion to alter or amend this Court's Order Denying Petitioner's Motion Under 28 U.S.C. § 2255, Terminating Petitioner's Motion for Leave to Request Discovery as Moot, and Terminating Petitioner's Motion to Compel as Moot [120].

Plaintiff, filing *pro se*, requests that the Court reconsider its decision on the basis of Federal Rule of Civil Procedure 59(e). Under Rule 59(e) a party may argue for reconsideration. *See Sault Ste. Marie Tribe of Chippewa Indians v. Engler*, 146 F.3d 367, 374 (6th Cir. 1998). A party requesting relief under the rule must show that there is "(1) a clear error of law; (2) newly discovered evidence; (3) an intervening change in controlling law; or (4) a need to prevent manifest injustice." *Intera Corp. v. Henderson*, 428 F.3d 605, 620 (6th Cir. 2005), *cert. denied*, 542 U.S. 1070 (2006).

The standard is somewhat similar to the "palpable defect" standard used to review a motion for reconsideration. *Henderson v. Walled Lake Consol. Schs.*, 469 F.3d 479, 496 (6th

Cir. 2006). It is important to note that although the rule allows for reconsideration; it does now permit a litigant to effectively re-argue the case. *Howard v. United States*, 533 F.3d 472, 475 (6th Cir. 2008).

Here, Petitioner is simply restating arguments that this Court previously rejected. Petitioner has not shown an error of law, newly discovered evidence, a change in controlling law, or a manifest injustice.

Based on the foregoing,

IT IS HEREBY ORDERED that Petitioner's Motion to Alter or Amend [122] is DENIED.

IT IS SO ORDERED

S/ARTHUR J. TARNOW

Arthur J. Tarnow
Senior United States District Judge

Dated: January 21, 2011

I hereby certify that a copy of the foregoing document was served upon counsel of record and

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on January 21, 2011, by electronic and/or ordinary mail.

S/LISA M. WARE

Case Manager